

*REMARKS/ARGUMENTS*

*The Pending Claims*

Claims 28, 30, 32, 34-38, 41-44, 46, and 47 are pending.

*Amendments to the Claims*

The claims have been amended to point out more particularly and claim more distinctly the invention.

In particular, claims 28, 30, 32, 34, 35, 41, and 46 have been amended to insert the appropriate articles and to provide reference to claim terms mentioned earlier in the claims.

Claim 34 has been amended to recite the features of claim 40 (now canceled).

Claims 34 and 35 have been amended to recite that each step has been executed by a computer.

No new matter has been added by way of these claim amendments.

*Summary of the Office Action*

The Office objects to claims 28, 30, 32, 34, 35, 40, 41, and 46 for allegedly containing informalities.

The Office maintains the rejection of claims 28-30 and 41-44 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

The Office rejects claims 28, 30, 32, 34-38, 40-44, 46, and 47 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Reconsideration of these objections and rejections is hereby requested.

*Examiner Interview*

Applicants thank Examiner Brusca for the courtesies extended to Applicants' representative Rachel Mejdrich during the telephone interview of August 11, 2009. The remarks set forth herein reflect the discussion during the Examiner interview:

*Discussion of the Objections to the Claims*

The Office contends that the claims contain informalities, such as missing articles and extra punctuation. Applicants have amended the claims to address the Examiner's concerns. Applicants believe that the objections to the claims are moot in view of the claim amendments, and request the objections be withdrawn.

*Discussion of the Section 101 Rejections*

The Office contends that claims 28-30 and 41-44 do not exclude the medium being a signal. Applicants hereby state that the claims do not read on embodiments that are not physical computer-readable media. In particular, Applicants hereby state that the "computer-readable recording medium" of the claims is not a signal. Applicants note that the examples of computer-readable recording media set forth in the specification are all physical computer-readable media and that the examples do not equate a computer-readable recording medium with a signal.

The Office contends that claims 34-38 and 40 encompass mental steps. Applicants have amended claims 34 and 35 (and, thus, claims 36-38 dependent thereon) to recite that each step is executed by a computer. Claim 40 has been canceled. Applicants believe that the amendments to the claims to recite that each step is executed by a computer addresses the Office's concerns.

For the foregoing reasons, the pending claims, as amended, do not encompass non-statutory subject matter. Accordingly, Applicants request that the Section 101 rejections be withdrawn.

*Discussion of the Section 112, Second Paragraph, Rejections*

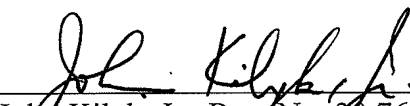
The Office contends that the claims are indefinite for several reasons. In particular, the Office indicates that it is unclear whether the same terms that are used multiple times in different places always refer to the same element. Applicants have amended the claims to clarify the antecedent basis of the terms (e.g., by referring to the particular step in which the term or phrase appears).

Applicants believe that the pending claims, as amended, are sufficiently clear. Therefore, Applicants request that the indefiniteness rejections be withdrawn.

*Conclusion*

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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